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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,221	06/08/2000	Nobuo Ogata	49899(904)	1363
21874	7590	03/24/2004	EXAMINER	
EDWARDS & ANGELL, LLP			LE, KIMLIEN T	
P.O. BOX 55874			ART UNIT	
BOSTON, MA 02205			PAPER NUMBER	

2653

DATE MAILED: 03/24/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/590,221

Applicant(s)

OGATA, NOBUO

Examiner

Kimlien T Le

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Objection to Title***

The title of the invention should talk about only a recording medium. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Response to Arguments***

Applicant's arguments filed on January 5, 2004 have been fully considered but they are not deemed to be persuasive.

Applicant asserts on page 4:

Independent Claim 6 is amended to emphasize a distinction over the principal reference. The lands of two tracking areas are wobbled. This configuration, used in a judging area, allows the recording medium of the present invention to associate reliably, and in real time, a given track area with a given wobble polarity.

The Examiner maintains that Ogata et al. (U.S. Patent 5, 940,364) discloses " The lands of two tracking areas are wobbled and used in a judging area (Figs. 14, 201 and 202; column 14, lines 45-50; column 21, lines 7-10; Figs. 15; column 4, lines 54-61).

Also, Applicant asserts on page 4:

Independent Claim 9 is added to emphasize that a groove associated with first and second track areas is wobbled to provide a wobble polarity.

The Examiner maintains that Ogata et al. (U.S. Patent 5, 940364) discloses " a groove associated with first and second track areas is wobbled to provide a wobble polarity " (Figs. 1a-1b; column 21, lines 1-25).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogata et al. (U.S. Patent 5, 940,364).

Regarding claim 6, Ogata et al. shows a recording medium provided with a first track area where one side wall has a land wobbled (Figs. 1a-1b. See also column 8, lines 15-40) and a second track area where the other side wall at a non-wobbled side in the first track has a land wobbled (Figs. 1a-1b. See also column 8, lines 30-32), further provided with an adjusting area (Figs. 14, 201 and 202; column 21, lines 1-25) showing a correspondence of a wobbling polarity to a track area (column 21, lines 3-25; column 15, lines 59-63; column 3, lines 30-35).

Regarding claim 7, Ogata et al. which shows the recording medium of claim 6, wherein different widths are given to the first track area and second track area in the adjusting area (column 10, lines 42-48; Fig. 18).

Regarding claim 8, Ogata et al. which shows the recording medium of Claim 6, wherein, in case that the recording medium is a disk (1), the adjusting area (Figs. 14, 201 and 202; column 21, lines 1-25) is provided in at least one of innermost and outermost areas of the disk (column 27, lines 55-60).

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Regarding claim 9, Ogata et al. which shows the recording medium provided with a first track area where one side wall has a wobbling groove and a second track area where the other side wall at a non-wobble side in the first track has a wobbling groove (Figs. 1a-1b. See also column 8, lines 15-40), further provided with an adjusting area (Figs. 14 and 20, 201 and 202; column 21, lines 1-25) showing a correspondence of a wobbling polarity to a track area (column 21, lines 3-25; column 15, lines 59-63; column 3, lines 30-35).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Point of Contact***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien Le whose telephone number is 703 305 3498. The examiner can normally be reached on M-F 8a.m-5p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 703 305 6137. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.

Kimlien Le



**TAN DINH  
PRIMARY EXAMINER**